

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GARY T. WINNETT, et al.,)	
Plaintiffs,)	
)	
v.)	
)	
CATERPILLAR INC.,)	
	)	Case No. 3:06-CV-00235
Defendant/Third-Party Plaintiff,)	
	)	Hon. Aleta A. Trauger
v.)	
	)	Mag. Judge Joe B. Brown
INTERNATIONAL UNION, UAW, et al.)	
	)	JURY TRIAL DEMANDED
<u>Third-Party Defendants.</u>	)	Class Action
JUDITH K. KERNS, et al.,)	
Plaintiffs,)	
v.)	
)	
CATERPILLAR INC.,)	
	)	Case No. 3:06-CV-01113
Defendant/Third-Party Plaintiff,)	
	)	Hon. Aleta A. Trauger
v.)	
	)	Mag. Judge Joe B. Brown
INTERNATIONAL UNION, UAW, et al.)	
	)	JURY TRIAL DEMANDED
<u>Third-Party Defendants.</u>	)	Class Action

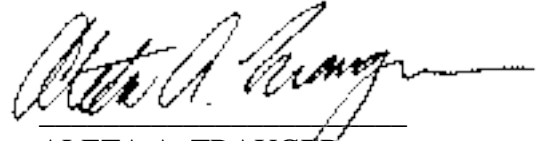
ORDER

Currently pending before the court is the Third-Party Defendants' Motion to Sever Third-Party Claims and Contingent Counterclaims for Separate Trial (Winnett, 3:06-cv-0235, Docket No. 364; Kerns, 3:06-cv-01113, Docket No. 174), Caterpillar Inc.'s opposition thereto (Winnett, 3:06-cv-0235, Docket No. 393; Kerns, 3:06-cv-01113, Docket No. 203), and the Third-Party Defendants' reply (Winnett, 3:06-cv-0235, Docket No. 420; Kerns, 3:06-cv-01113, Docket No. 230). The plaintiffs responded in support of the Third-Party Defendants' Motion. (Winnett,

3:06-cv-0235, Docket No. 368; Kerns, 3:06-cv-01113, Docket No. 180).

For the reasons stated in the accompanying Memorandum, the Motion to Sever will be GRANTED. The remaining third-party claims and contingent counterclaims will be the subject of a separate trial, following the resolution of the claims of both the *Winnett* and *Kerns* classes of retiree plaintiffs.

It is so ORDERED.


Aleta A. TRAUGER
United States District Judge